

## IN THE MICHIGAN COURT OF APPEALS

### ORDER

Re: **Township of Sherman v Katherine A Smith**  
Docket No. **280000**  
L.C. No. **06-002440-CE**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),  
orders:

The claim of appeal is DISMISSED for lack of jurisdiction because the civil contempt order of July 24, 2007, is not a final order, but a postjudgment order. See MCR 7.202(6)(a)(i). The case of *In Re Contempt of ACIA*, 243 Mich App 697 (2000) is of no assistance to appellants because in that case the orders, as found by this Court, were criminal contempt orders. Criminal contempt orders are final orders under MCR 7.202(6)(b). In this case the July 24, 2007 order is civil contempt since appellants can purge the contempt "by removing all trash, junk and junk motor vehicles." The 1991 case cited by appellants is of no assistance because in 1991 a final order was simply an order that affected with finality rights of the parties. That test was eliminated in 1996. See *Allied Electric v Tenaglia*, 461 Mich 285 (1999).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

SEP - 7 2007

Date

*Sandra Schultz Mengel*  
Chief Clerk